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Lawrence R. Edmison, General Counsel

June 27, 1996

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JUN 28 1996

William Caton, Acting Secretary
Federal Communications Commission
1919 M. Street
Washington, D.C. 20554

FCC MAIL ROOM

DOCKET FILE COPY ORIGINAL

RE: CC Docket No. 96-128

DOCKET FILE COPY ORIGINAL

Dear Mr. Caton:

Please find enclosed an original and four (4) copies of the comments prepared by the Oklahoma Corporation Commission regarding the above-entitled docket. The Oklahoma Corporation Commission, having submitted these comments timely, requests that they be filed and made a part of the record in the above-entitled docket.

We have also forwarded a copy of the comments to the Federal Communication Commission's copy contractor, International Transcription Service, and a copy of the comments on computer diskette (WordPerfect 5.1, 3½ disk) to Ms. Ernestine Creech.

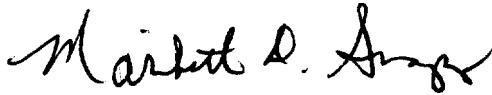
The Oklahoma Corporation Commission appreciates the opportunity to participate in this rulemaking. Any future correspondence concerning this rulemaking should be sent to:

Maribeth D. Snapp
Deputy General Counsel
Oklahoma Corporation Commission
P.O. Box 52000-2000
Oklahoma City, OK 73152

No. of Copies rec'd 0+16
List ASCDE

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Maribeth D. Snapp". The signature is fluid and cursive, with the first name being the most prominent.

Maribeth D. Snapp
Deputy General Counsel

cc: International Transcription Service
1990 M Street, N.W., Room 640
Washington, D.C. 20036

Ms. Ernestine Creech
Federal Communications Commission
Common Carrier Bureau
Accounting and Audits Division
2000 L Street, N.W., Suite 257
Washington, D.C. 20554

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL COMMUNICATIONS COMMISSION**

In the Matter of)

Implementation of the)
Pay Telephone Reclassification)
and Compensation Provisions of the)
Telecommunications Act of 1996)

CC Docket No. 96-128

RECEIVED

JUN 28 1996

FCC MAIL ROOM

NOTICE OF PROPOSED RULEMAKING

Adopted: June 4, 1996

Released: June 6, 1996



**INITIAL COMMENTS
OKLAHOMA CORPORATION COMMISSION**

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Submitted: June 27, 1996

I. INTRODUCTION

In recognition of the requirements imposed by the Telecommunications Act of 1996 ("Act"), and in response to the Federal Communications Commission's ("FCC") Notice of Proposed Rulemaking ("NOPR") captioned "In the matter of Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996", the Oklahoma Corporation Commission ("OCC") seeks to enter comments.

In its effort to provide timely comments, the OCC primarily relies on, and is guided by, its current experience in drafting rules for the provision of privately-owned payphones in Oklahoma.¹ At this time, privately-owned payphones are not permitted within the state of Oklahoma, unless the payphone only provides interstate service.

Oklahoma has more than forty (40) local telephone companies providing payphone service, each within its own certificated exchange(s). In addition, AT&T provides coinless payphones to facilitate its provisioning of interstate service. However, all local calls made from AT&T-provided coinless payphones are transferred to the local exchange carrier ("LEC") in whose territory each payphone is located.

II. COMMENTS

A. Compensation

In considering the compensation issue, the FCC should keep in mind the needs of

¹ In Oklahoma's current rulemaking docket, Cause No. RM96000013, the OCC has adopted the term "payphone service provider ("PSP")." However, for purposes of these comments only, the OCC will utilize the FCC's nomenclature of "private payphone operator ("PPO")."

the end-user. Each site-owner may have choice in a competitive market, but an end-user may still be a captive customer. "Fair" compensation could, under certain circumstances, still result in no additional charge(s) to the end-user. The OCC agrees with the FCC's tentative conclusion that "0+" calls for which a PPO is already compensated is "fair".

The OCC does not oppose compensation to the PPO for access code calls, subscriber 800 calls, other toll-free number calls, pre-paid card calls and international calls. However, the FCC should strive to minimize the impact of compensation policies on end-users.

To the extent that per-call compensation is permitted by the FCC, the OCC does not disagree with the FCC's proposed method of handling disputed automatic numbering identification ("ANI"). Input from industry is necessary to establish appropriate time lines for the resolution of disputes.

Compensation for any type of dial-around calls should be cost-based only. Opportunity cost or any other methodology should not be considered. Once again, to the extent possible, impact on the end-users should be minimized.

B. Directory Assistance ("DA")

If a PPO places a phone at a location, and no phone directory is available, the FCC should carefully consider whether there should be an additional charge to the end-user for a directory-assistance ("DA") call. In the event incumbent LECs are allowed to charge PPOs for each DA call made from a payphone, the incumbent LECs should also impute the same cost over their own payphones for each DA call made.

C. Rates

The FCC should avoid establishing a nationwide local coin rate for all calls originated by payphones. Costs may vary across regions, and corresponding rates need not be averaged. This could lead to a disproportionate number of payphones being located in the low-cost areas. A slightly better solution might be a local coin rate cap, but such a rate cap could still potentially cause a less than desirable distribution of payphones within each community. The OCC's believes that this issue would be best left to the individual states.

D. Call Tracking

The OCC agrees that the IXC's should be required to initiate an independent audit of their per-call tracking. The FCC should consider allowing PPOs to have access to these verifications. Also, any LECs that provide network tracking for their own payphones should make those tracking services available, at cost-based rates, to any PPO that may desire them.

E. Registration

The FCC should consider mandating registration of both instrument- implemented and central office-implemented payphones. Registration need not be cumbersome, and could potentially aid in enforcement.

F. Unbundling of LEC Services

Any services available to an incumbent LEC through its own network should also be made available at cost-based rates to PPOs. The FCC should promulgate rules to encourage the unbundling of such services.

G. Public Interest Payphones ("PIPs")

The FCC should strongly consider establishing guidelines regarding PIPs. The topic of PIPs is very broad, encompassing a variety of ancillary issues including: What is a PIP? Can a private property owner have a PIP? Should PIPs exist? How should PIPs be funded? What if a PIP becomes profitable? What standards should exist for PIPs? How would those standards be enforced, and by whom?

Federal guidelines may be appropriate for some areas pertaining to PIPs. The OCC believes that universal PIP standards should be established, and those standards should encourage the deployment of PIPs in critical locations.

H. Keypads

Alpha-numeric keypads are beneficial to the end-user. In Oklahoma's Cause No. RM960000013, the Staff of the OCC is recommending that alpha-numeric keypads be required. This rulemaking has not come to hearing at the date of filing these comments. Therefore, it would be inappropriate for the OCC to make a recommendation to the FCC on this issue in these comments. However, the OCC believes the FCC should thoroughly consider the public policy implications of authorizing the use of letterless keypads. Alpha-numeric keypads provide the benefit of dialing phone numbers such as 1-800-FLOWERS, 1-800-4MOTEL6 and many others. Letterless keypads prevent the use of such "vanity" dialing sequences. Restrictions to dial-around capabilities or other use of access numbers limit the end-user's ability to make choices when placing calls.

III. CONCLUSION

In conclusion, the OCC supports the FCC's efforts to create a broad, nonprescriptive national framework for payphones, to the extent the national rules created serve as the minimum requirement. Each state should be allowed to craft rules that fit its respective telecommunications needs.

DOCUMENT OFF-LINE

This page has been substituted for one of the following:

- o An oversize page or document (such as a map) which was too large to be scanned into the RIPS system.

- o Microfilm, microform, certain photographs or videotape.

- o ~~Other~~ materials which, for one reason or another, could not be scanned into the RIPS system.

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The actual document, page(s) or materials may be reviewed by contacting an Information Technician. Please note the applicable docket or rulemaking number, document type and any other relevant information about the document in order to ensure speedy retrieval by the Information Technician.